

# The Brown Law Firm, P.C.

767 Third Avenue, Suite 2501, New York, NY 10017, (516) 922-5427

Timothy Brown, Esq.  
tbrown@thebrownlawfirm.net

October 10, 2024

## **VIA ELECTRONIC FILING**

The Honorable Michael A. Hammer  
United States Magistrate Judge  
for the District of New Jersey  
Martin Luther King Building  
50 Walnut Street  
Newark, NJ 07102

**Re: *Rago v. Mercer, et al.*, Case No. 2:23-cv-20749-ES-MAH (D.N.J.); *Ford v. Mercer*, Case No. 2:24-cv-04894-ES-MAH; and *Cheng v. Mercer*, Case No. 2:24-cv-06567-ES-MAH; Consolidation, Operative Complaint, and Briefing Following Meet and Confer Pursuant to Court's Order**

Dear Judge Hammer:

We are counsel for plaintiff Al Rago in the shareholder derivative action brought on behalf of Tingo Group, Inc., *Rago v. Mercer, et al.*, Case No. 2:23-cv-20749-ES-MAH. Pursuant to the Court's Text Order on September 26, 2024 (ECF No. 63), the parties in the three above-captioned shareholder derivative actions resumed their efforts to reach a consensus on the designation of an operative complaint, consolidation, and briefing schedules. The parties formally met and conferred on October 2, 2024, and October 7, 2024. Counsel for plaintiffs in each of the three actions separately conferred between that time and were able to reach agreement on consolidation and leadership for the consolidated case. After reaching a consensus, the parties prepared a Stipulation and [Proposed] Order Consolidating the Related Shareholder Derivative Actions and Appointing Co-Lead Counsel for Plaintiffs (the "Stipulation"). The Stipulation is filed concurrently herewith and includes a proposed schedule for plaintiffs to file a Consolidated Amended Shareholder Derivative Complaint and for defendants' response(s) to that operative complaint.

Counsel is available should the Court have any questions.

Respectfully submitted,

/s/ Elizabeth Donohoe  
Elizabeth Donohoe

Timothy Brown  
THE BROWN LAW FIRM, P.C.  
767 Third Avenue, Suite 2501  
New York, NY 10017  
Tel: (516) 922-5427

*Attorneys for Plaintiff Rago*

/s/ Lee Squitieri  
Lee Squitieri  
SQUITIERI & FEARON, LLP  
305 Broadway, 7th Floor  
New York, New York 10007  
Telephone: (212) 421-6492  
Email: lee@sfclasslaw.com

Fletcher Moore  
MOORE LAW, PLLC  
30 Wall Street, 8th Floor  
New York, New York 10005  
Telephone: (212) 709-8245  
Email: fletcher@fmoorelaw.com

*Attorney for Plaintiff Ford*

/s/ Melissa A. Fortunato  
Melissa A. Fortunato  
Fortunato@bespc.com  
BRAGAR EAGEL & SQUIRE, P.C.  
810 Seventh Avenue, Suite 620  
New York, NY 10019  
Tel: (212) 308-5858

Badge Humphries  
Humphries@bespc.com  
BRAGAR EAGEL & SQUIRE, P.C.  
2113 Middle Street, Suite 305  
Sullivan's Island, SC 29482  
Tel: (843) 883-7444

*Attorneys for Plaintiff Cheng*

/s/ Joseph A. DiPisa  
Joseph A. DiPisa

joe@pitcofflawgroup.com  
PITCOFF LAW GROUP, PC  
250 Park Avenue, 7<sup>th</sup> Floor  
Tel: (917) 883-7444

*Attorneys for Defendant Darren  
Mercer in the Rago and Cheng Actions*

/s/ Young Yu  
Joshua A. Zielinski  
Young Yu  
James H. Leckie  
O'TOOLE SCRIVO, LLC  
14 Village Park Road  
Cedar Grove, NJ 07009  
Tel: (973) 239-5700  
jzielinski@oslaw.com  
yyu@oslaw.com  
jleckie@oslaw.com

*Attorneys for Defendant John J. Brown*

/s/ Emma Spiro  
Emma Spiro  
Guy Petrillo (*pro hac vice*)  
Christina Karam (*pro hac vice*)  
Petrillo Klein + Boxer LLP  
655 Third Avenue, 22<sup>nd</sup> Floor  
New York, NY 10017  
Tel: (212) 370-0330  
espiro@pkbllp.com  
gpetrillo@pkbllp.com  
ckaram@pkbllp.com

*Attorneys for Defendant Robert Benton*

cc: All Counsel of Record (by ECF)